



General Assembly

February Session, 2008

Raised Bill No. 5910

LCO No. 3110

03110_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF THE
DEPARTMENT OF SOCIAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective July 1, 2008*) For the fiscal year ending June 30,
2 2009, and each fiscal year thereafter, any new or expanded initiative
3 included in the appropriation to the Department of Social Services in
4 the budget document, the Commissioner of Social Services shall issue
5 quarterly progress reports on the status of the implementation of such
6 initiatives to the joint standing committee of the General Assembly
7 having cognizance of matters relating to appropriations and the
8 budgets of state agencies and human services, and to the Office of
9 Fiscal Analysis, in accordance with section 11-4a of the general
10 statutes.

11 Sec. 2. Section 17b-10 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2008*):

13 (a) The Department of Social Services shall prepare and routinely
14 update state medical services and public assistance manuals. The
15 pages of such manuals shall be consecutively numbered and indexed,

16 containing all departmental policy regulations and substantive
17 procedure, written in clear and concise language. Said manuals shall
18 be published by the department and distributed so that they are
19 available to (1) all regional and subregional offices of the Department
20 of Social Services; (2) each town hall in the state; (3) all legal assistance
21 programs in the state; and (4) any interested member of the public who
22 requests a copy. All policy manuals of the department, as they exist on
23 May 23, 1984, including the supporting bulletins but not including
24 statements concerning only the internal management of the
25 department and not affecting private rights or procedures available to
26 the public, shall be construed to have been adopted as regulations in
27 accordance with the provisions of chapter 54. [After] For the period
28 commencing May 23, 1984, and ending December 31, 2008, any policy
29 issued by the department, except a policy necessary to conform to a
30 requirement of a federal or joint federal and state program
31 administered by the department, including, but not limited to, the state
32 supplement program to the Supplemental Security Income Program,
33 shall be adopted as a regulation in accordance with the provisions of
34 chapter 54. On and after January 1, 2009, any policy issued by the
35 department shall be adopted as a regulation in accordance with the
36 provisions of chapter 54. The provisions of subsections (b), (c) and (d)
37 of this section shall not apply to any policy issued after December 31,
38 2008.

39 (b) The department shall adopt as a regulation in accordance with
40 the provisions of chapter 54, any new policy necessary to conform to a
41 requirement of an approved federal waiver application initiated in
42 accordance with section 17b-8 of the 2008 supplement to the general
43 statutes and any new policy necessary to conform to a requirement of a
44 federal or joint state and federal program administered by the
45 department, including, but not limited to, the state supplement
46 program to the Supplemental Security Income Program, but the
47 department may, for the period commencing May 23, 1984, and ending
48 December 31, 2008, operate under such policy while it is in the process
49 of adopting the policy as a regulation, provided the Department of

50 Social Services prints notice of intent to adopt the regulation in the
51 Connecticut Law Journal within twenty days after adopting the policy.
52 Such policy shall be valid until the time final regulations are effective.

53 (c) On and after July 1, 2004, the department shall submit proposed
54 regulations that are required by subsection (b) of this section to the
55 standing legislative regulation review committee, as provided in
56 subsection (b) of section 4-170, not later than one hundred eighty days
57 after publication of the notice of its intent to adopt regulations. The
58 department shall include with the proposed regulation a statement
59 identifying (1) the date on which the proposed regulation became
60 effective as a policy as provided in subsection (b) of this section, and
61 (2) any provisions of the proposed regulation that are no longer in
62 effect on the date of the submittal of the proposed regulation, together
63 with a list of all policies that the department has operated under, as
64 provided in subsection (b) of this section, that superseded any
65 provision of the proposed regulation.

66 (d) In lieu of submitting proposed regulations by the date specified
67 in subsection (c) of this section, the department may submit to the
68 legislative regulation review committee a notice not later than thirty-
69 five days before such date that the department will not be able to
70 submit the proposed regulations on or before such date and shall
71 include in such notice (1) the reasons why the department will not
72 submit the proposed regulations by such date, and (2) the date by
73 which the department will submit the proposed regulations. The
74 legislative regulation review committee may require the department to
75 appear before the committee at a time prescribed by the committee to
76 further explain such reasons and to respond to any questions by the
77 committee about the policy. The legislative regulation review
78 committee may request the joint standing committee of the General
79 Assembly having cognizance of matters relating to human services to
80 review the department's policy, the department's reasons for not
81 submitting the proposed regulations by the date specified in
82 subsection (c) of this section and the date by which the department will

83 submit the proposed regulations. Said joint standing committee may
84 review the policy, such reasons and such date, may schedule a hearing
85 thereon and may make a recommendation to the legislative regulation
86 review committee.

87 (e) If amendments to an existing regulation are necessary solely to
88 conform the regulation to amendments to the general statutes, and if
89 the amendments to the regulation do not entail any discretion by the
90 department, the department may elect to comply with the
91 requirements of subsection (a) of section 4-168 of the 2008 supplement
92 to the general statutes or may proceed without prior notice or hearing.
93 Any such amendments to a regulation shall be submitted in the form
94 and manner prescribed in subsection (b) of section 4-170, to the
95 Attorney General, as provided in section 4-169, and to the committee,
96 as provided in section 4-170, for approval and upon approval shall be
97 filed in the office of the Secretary of the State.

98 (f) On and after January 1, 2009, concurrent with the submission of a
99 proposed regulation to the standing legislative regulation review
100 committee, in accordance with subsection (b) of section 4-170, the
101 department shall submit such proposed regulation to the joint
102 standing committee of the General Assembly having cognizance of
103 matters relating to human services. The joint standing committee of the
104 General Assembly having cognizance of matters relating to human
105 services shall review such proposed regulation and make a
106 recommendation to the legislative regulation review committee on
107 whether such regulation should be approved. In addition, the
108 department shall submit, in accordance with subsection (b) of section
109 4-170, any proposed regulation affecting the Medicaid program and
110 the HUSKY Plan to the advisory council on Medicaid managed care,
111 established pursuant to section 17b-28, as amended by this act. Said
112 council shall review the proposed regulation and make a
113 recommendation to the legislative regulation review committee on
114 whether such regulation should be approved. The Departments of
115 Social Services and Children and Families shall submit, in accordance

116 with subsection (b) of section 4-170, any proposed regulation affecting
117 the Behavioral Health Partnership to the Behavioral Health
118 Partnership Oversight Council, established pursuant to section 17a-22j.
119 Said council shall review the proposed regulation and make a
120 recommendation to the legislative regulation review committee on
121 whether such regulation should be approved.

122 Sec. 3. Subsection (b) of section 17b-28 of the 2008 supplement to the
123 general statutes is repealed and the following is substituted in lieu
124 thereof (*Effective July 1, 2008*):

125 (b) The council shall make recommendations concerning (1)
126 guaranteed access to enrollees and effective outreach and client
127 education; (2) available services comparable to those already in the
128 Medicaid state plan, including those guaranteed under the federal
129 Early and Periodic Screening, Diagnostic and Treatment Services
130 Program under 42 USC 1396d; (3) the sufficiency of provider networks;
131 (4) the sufficiency of capitated rates provider payments, financing and
132 staff resources to guarantee timely access to services; (5) participation
133 in managed care by existing community Medicaid providers; (6) the
134 linguistic and cultural competency of providers and other program
135 facilitators; (7) quality assurance; (8) timely, accessible and effective
136 client grievance procedures; (9) coordination of the Medicaid managed
137 care plan with state and federal health care reforms; (10) eligibility
138 levels for inclusion in the program; (11) cost-sharing provisions; (12) a
139 benefit package; (13) coordination with coverage under the HUSKY
140 Plan, Part B; (14) the need for program quality studies within the areas
141 identified in this section and the department's application for available
142 grant funds for such studies; (15) the managed care portion of the
143 state-administered general assistance program; (16) any proposed
144 regulations of the Department of Social Services concerning the
145 Medicaid program and the HUSKY Plan in accordance with subsection
146 (f) of section 17b-10, as amended by this act, and [(16)] (17) other issues
147 pertaining to the development of a Medicaid Research and
148 Demonstration Waiver under Section 1115 of the Social Security Act.

149 Sec. 4. Subsection (f) of section 17a-22j of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective July*
151 *1, 2008*):

152 (f) The council shall make specific recommendations on matters
153 related to the planning and implementation of the Behavioral Health
154 Partnership which shall include, but not be limited to: (1) Review of
155 any contract entered into by the Departments of Children and Families
156 and Social Services with an administrative services organization, to
157 assure that the administrative services organization's decisions are
158 based solely on clinical management criteria developed by the clinical
159 management committee established in section 17a-22k; (2) review of
160 behavioral health services pursuant to Title XIX and Title XXI of the
161 Social Security Act to assure that federal revenue is being maximized;
162 (3) review of any proposed regulations concerning the Behavioral
163 Health Partnership submitted by the Departments of Children and
164 Families and Social Services in accordance with subsection (f) of
165 section 17b-10, as amended by this act; and [(3)] (4) review of periodic
166 reports on the program activities, finances and outcomes, including
167 reports from the director of the Behavioral Health Partnership on
168 achievement of service delivery system goals, pursuant to section 17a-
169 22i. The council may conduct or cause to be conducted an external,
170 independent evaluation of the Behavioral Health Partnership.

171 Sec. 5. (*Effective July 1, 2008*) The Secretary of the Office of Policy and
172 Management shall conduct a study on the appropriateness of the
173 placement of the Office of the Long-Term Care Ombudsman within the
174 Department of Social Services and the feasibility of transferring said
175 office to the Office of the Healthcare Advocate. Such study shall
176 include, but not be limited to, consideration of the powers and duties
177 that would be transferred. Not later than January 1, 2009, the secretary
178 shall report, in accordance with section 11-4a of the general statutes, on
179 his findings along with recommendations for any statutory changes
180 needed to implement such change to the joint standing committee of
181 the General Assembly having cognizance of matters relating to human

182 services.

183 Sec. 6 Subsection (a) of section 17b-297 of the 2008 supplement to the
184 general statutes is repealed and the following is substituted in lieu
185 thereof (*Effective July 1, 2008*):

186 (a) The commissioner, in consultation with the Children's Health
187 Council, the [Medicaid Managed Care Council] advisory council on
188 Medicaid managed care, established pursuant to section 17b-28, as
189 amended by this act, and the 2-1-1 Infoline program, shall develop
190 mechanisms to increase outreach and maximize enrollment of eligible
191 children and adults in the HUSKY Plan, Part A or Part B, including,
192 but not limited to, development of mail-in applications and
193 appropriate outreach materials through the Department of Revenue
194 Services, the Labor Department, the Department of Social Services, the
195 Department of Public Health, the Department of Children and Families
196 and the Office of Protection and Advocacy for Persons with
197 Disabilities. Such mechanisms shall seek to maximize federal funds
198 where appropriate for such outreach activities.

199 Sec. 7. Section 17b-306a of the 2008 supplement to the general
200 statutes is repealed and the following is substituted in lieu thereof
201 (*Effective July 1, 2008*):

202 (a) The Commissioner of Social Services, in collaboration with the
203 Commissioners of Public Health and Children and Families, shall
204 establish a child health quality improvement program for the purpose
205 of promoting the implementation of evidence-based strategies by
206 providers participating in the HUSKY Plan, Part A and Part B to
207 improve the delivery of and access to children's health services. Such
208 strategies shall focus on physical, dental and mental health services
209 and shall include, but need not be limited to: (1) Methods for early
210 identification of children with special health care needs; (2) integration
211 of care coordination and care planning into children's health services;
212 (3) implementation of standardized data collection to measure
213 performance improvement; and (4) implementation of family-centered

214 services in patient care, including, but not limited to, the development
 215 of parent-provider partnerships. The Commissioner of Social Services
 216 shall seek the participation of public and private entities that are
 217 dedicated to improving the delivery of health services, including
 218 medical, dental and mental health providers, academic professionals
 219 with experience in health services research and performance
 220 measurement and improvement, and any other entity deemed
 221 appropriate by the Commissioner of Social Services, to promote such
 222 strategies. The commissioner shall ensure that such strategies reflect
 223 new developments and best practices in the field of children's health
 224 services. As used in this section, "evidence-based strategies" means
 225 policies, procedures and tools that are informed by research and
 226 supported by empirical evidence, including, but not limited to,
 227 research developed by organizations such as the American Academy
 228 of Pediatrics, the American Academy of Family Physicians, the
 229 National Association of Pediatric Nurse Practitioners and the Institute
 230 of Medicine.

231 (b) Not later than July 1, 2008, and annually thereafter, the
 232 Commissioner of Social Services shall report, in accordance with
 233 section 11-4a, to the joint standing committees of the General
 234 Assembly having cognizance of matters relating to human services,
 235 public health and appropriations, and to the [Medicaid Managed Care
 236 Council] advisory council on Medicaid managed care, established
 237 pursuant to section 17b-28, as amended by this act, on (1) the
 238 implementation of any strategies developed pursuant to subsection (a)
 239 of this section, and (2) the efficacy of such strategies in improving the
 240 delivery of and access to health services for children enrolled in the
 241 HUSKY Plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	17b-10
Sec. 3	<i>July 1, 2008</i>	17b-28(b)

Sec. 4	<i>July 1, 2008</i>	17a-22j(f)
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>July 1, 2008</i>	New section
Sec. 7	<i>July 1, 2008</i>	17b-306a

Statement of Purpose:

To require quarterly reports on the implementation of new initiatives by the Department of Social Services to certain committees and to the Office of Fiscal Analysis, to eliminate the ability of the department to implement regulations prior to approval by the legislative regulation review committee, to require a review of proposed regulations by the Human Services Committee, the Medicaid Managed Care Council, and the Behavioral Health Partnership Oversight Council, to conduct a study on the transfer of the Office of the Long-Term Care Ombudsman to the Office of the Healthcare Advocate and to make minor revisions to references to the Medicaid Managed Care Council in the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]